

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Goran Palmers **Group No.:** 3611
SERIAL NO: 10/656,996 **Examiner:** Anne Marie M. Boehler
FILED: September 5, 2003
TITLE: **DEVICE FOR FACILITATING DRIVING A ROLLABLE WALKER AND
A ROLLABLE WALKER PROVIDED**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RENEWED PETITION FOR REMOVAL OF AN APPLICATION FROM
ABANDONED STATUS UNDER 37 CFR 1.81**

In response to the Decision on Petition mailed October 3, 2005, this is a request for reconsideration of the dismissal of Applicant's initial Petition for Removal of an Application from Abandoned Status mailed June 21, 2005.

The above-identified application became abandoned because a Response, mailed initially on February 17, 2005, was allegedly not received by the United States Patent Office.

Upon receiving a Notice of Abandonment mailed April 7, 2005 erroneously to Kenyon & Kenyon Intellectual Property Law, at 1500 K Street, NW, Washington, DC 20005-1257, which was forwarded and received by Gauthier & Connors LLP on April 22, 2005, Applicant's undersigned representative contacted Examiner Boehler regarding the status of the application and sent true copies of the same Response as well as the date stamped return postcard again via first class mail on June 21, 2005 to the Examiner.

On June 21, 2005, Applicant's undersigned representative filed the initial Petition for Removal of an Application from Abandoned Status. The Petition was dismissed because it allegedly

did not include a copy of the original response filed February 17, 2005. Applicant's undersigned representative is somewhat perplexed by this statement as the date stamped returned postcard (copy enclosed herewith) lists the Petition, a copy of the Amendment submitted on 2/17/05 as well as the copy of the date stamped returned postcard as being filed together.

Regardless, Applicant's undersigned representative herewith resubmits copies of the Amendment filed on 2/17/05, including the transmittal sheets having a certificate of mailing date of February 17, 2005 signed by Sarah E. Kennedy of the undersigned's office, and a copy of the date stamped returned postcard associated with that mailing.

In view of the forgoing, we ask that the Notice of Abandonment be withdrawn for this application and that the application be removed from abandoned status.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew E. Connors", written over a horizontal line.

Matthew E. Connors
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225 Franklin Street, Suite 2300
Boston, Massachusetts 02110
Telephone: (617) 426-9180
Extension: 112

C OF P



Commissioner of Patents

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SECURITY FEATURES INCLUDED. DETAILS ON BACK.

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Mailed on February 17, 2005

Strom.7289

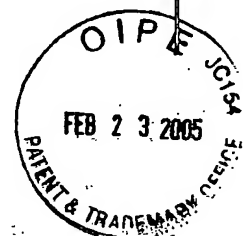
Enclosed are the following in re:

Patent Appln. of Palmers et al.
Serial No. 10/656,566
Filed: 09/05/03A DEVICE FOR FACILITATING DRIVING A
ROLLABLE WALKER AND A ROLLABLE
WALKER PROVIDED

- 1) Amendment Transmittal
- 2) Amendment
- 3) \$450.00 Check for two (2) month extension

DATE DUE: February 17, 2005

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Strom.7289
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Palmers et al.

Serial No.: 10/656,966

Group No: 3611

Filed: 09/05/03

Examiner: Anne Marie B. Bohler

For: A DEVICE FOR FACILITATING DRIVING A ROLLABLE WALKER AND A
ROLLABLE WALKER PROVIDED

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is:

— a small entity - verified statement:

— attached.

— already filed.

X other than a small entity.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sarah E. Kennedy

(Type or print name of person mailing letter)

Date: 2/17/05


(Signature of person mailing paper)

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments)—If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) X Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<u> </u> one month	\$ 120.00	\$ 60.00
<u>X</u> two months	\$ 450.00	\$225.00
<u> </u> three months	\$1,020.00	\$510.00
<u> </u> four months	\$1,590.00	\$795.00
<u> </u> fifth month	\$2,160.00	\$1,080.00

Fee \$ 450.00

If an additional extension of time is required please consider this a petition therefor.
(check and complete the next item, if applicable)

 An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			OTHER THAN A SMALL ENTITY		
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOREXTRA	PRESENT RATE	FEE	ADDIT. OR	RATE	FEE	ADDIT.	
TOTAL	MINUS	20	=	x 9= \$	x18=	\$	0.00	
INDEP.	MINUS	3	=	x43= \$	x86=	\$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+145= \$	+290=	\$		
				TOTAL ADDIT. FEE \$	OR	TOTAL ADDIT. FEE	\$ 0.00	

If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

- (c) X No additional fee for claims is required.

OR

- (d) Total additional fee for claims required \$.

FEE PAYMENT

5. X Attached is a check in the sum of \$ 450.00.

 Charge Account No. the sum of \$.

A duplicate of this transmittal is attached.


FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. X If any additional extension and/or fee is required, charge Account No. 19-0079

AND/OR

X If any additional fee for claims is required, charge Account No. 19-0079



SIGNATURE OF ATTORNEY

Reg. No.: 51,963

Matthew B. Loftus

Type or print name of attorney

Tel. No.: (617) 426-9180
Extension 122

Gauthier & Connors, LLP

225 Franklin Street, Suite 3300

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Boston, Massachusetts 02110



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Palmers et al.

GROUP: 3611

SERIAL NO: 10/656,966

EXAMINER: Anne Marie M. Bohler

FILED: September 5, 2003

FOR: A DEVICE FOR FACILITATING DRIVING A ROLLABLE WALKER
AND A ROLLABLE WALKER PROVIDED

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT

In response to the Office Action mailed September 17, 2004, please amend the
application as follows:

IN THE CLAIMS:

This listing of claims replaces all prior versions and listings of claims in the application.

Listing of Claims

1 1. (Cancelled) A device for facilitating driving of a rollable walker of the type
2 incorporating a chassis frame, which is supported by at least one front wheel fitted to the
3 depending frame part and a rear pair of wheels, comprising a movable support attachable to the
4 rollable walker in the area of its forward castor wheels and spring-loaded means for moving said
5 movable support horizontally in front of said forward castor wheels when it/they are projecting
6 backwards, when the said front castor wheels are raised by being pivoted about the rear pair of
7 wheels.

1 2. (Withdrawn)

1 3. (Cancelled) A device as claimed in claim 1, wherein the movable support is
2 constituted by a member which in uninfluenced position projects in front of said front castor
3 wheels, and is adapted to be pushed backwards by a contact force against an obstacle under an
4 increased preload, and to be moved due to the preload in over the obstacle after lifting of the said
5 front wheel above the obstacle.

1 4-12. (Withdrawn)

1 13. (Cancelled) A device as claimed in claim 1, wherein the movable support is
2 constituted by a track for a wheel-equipped curved trolley, adapted under spring influence to
3 project from said track in the forward direction of the rollable walker, and to be preloaded at
4 engagement against an obstacle ahead, for being pushed forward at subsequent raising of the

5 front wheels of the rollable walker under influence of the spring preload, and thereby out above
6 the obstacle.

1 14. (Cancelled) A device as claimed in claim 13, wherein the track is designed thus that
2 it operates as a wheel having bigger diameter than the ordinary front castor wheel for passage of
3 low obstacles.

1 15-17. (Withdrawn)

1 18. (Cancelled) A rollable walker of the type incorporating a chassis frame, which is
2 supported by at least one front wheel fitted to the depending frame part and a rear pair of wheels,
3 wherein the rollable walker in the area of its forward wheels is provided with a movable support
4 and means adapted to move said movable support in front of said forward castor wheels when
5 it/they are projecting backwards, in accordance with claim 3.

1 19. (New) A device for facilitating driving a rollable walker over an obstacle projecting
2 upwardly from a surface, said rollable walker having a chassis frame supported on said surface
3 by mutually spaced front and rear wheels, said device comprising:

4 a swing arm connected at an upper end to said chassis frame and terminating at a lower
5 end to a foot, said swing arm being pivotably adjustable between an extended position
6 positioning said foot forwardly of said front wheels and a retracted position at which a leading
7 edge of said foot is disposed between a leading edge of said front wheels, said arm being urged
8 into said retracted position by engagement with said obstacle with said front wheel supported on
9 said surface, whereupon braking said rear wheels and tilting of said chassis frame to elevate said
10 front wheels to a level above that of said obstacle will result in said swing arm being resiliently
11 sprung to said extended position.

1 20. (New) A device for facilitating driving a rollable walker over an obstacle projecting
2 upwardly from a surface, said rollable walker having a chassis frame supported on said surface
3 by mutually spaced front and rear wheels, said device comprising:

4 a track connected to the chassis frame between said front wheels and having a first pair of
5 guide wheels disposed toward a front end of said track and a second pair of guide wheels
6 disposed toward a rear end of said track;

7 a trolley comprising a pair of upper flanges extending from an upper surface and a pair of
8 lower flanges extending from a lower surface, said trolley being supported between said upper
9 and lower flanges by said first and second pairs of guide wheels, said trolley being slidably
10 adjustable between an extended position substantially forward of said front wheels and a
11 retracted position at which a leading edge of said trolley is disposed between a leading edge of
12 said front wheels, said trolley being urged into a retracted position by engagement with said
13 obstacle with said front wheels supported on said surface, whereupon braking said rear wheels
14 and tilting of said chassis frame to elevate said front wheels to a level above said obstacle will
15 result in said trolley being resiliently sprung to said extended position.

1 21. (new) The device of claim 20 wherein said trolley further comprises a plurality of
2 wheels supported by said obstacle while driving said rollable walker over said obstacle, said
3 wheels being disposed between first and second side walls and alternating wheels being offset
4 from a long axis of the trolley so that a perimeter of each wheel overlaps with a perimeter of an
5 adjacent wheel.

1 22. (new) The device of claim 20 wherein said track and said trolley are curved along a
2 radius that is relatively large in comparison to said front wheels for passing over low obstacles.

REMARKS

I. Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 1, 3, 13, 14, and 18 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicants regards as their invention. Applicants have cancelled these claims and added new claims 19-22.

II. Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1, 3, and 18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,132,423 issued to Chant (hereinafter "Chant") and as being anticipated by U.S. Pat. No. 3,239,872 issued to Kitrell (hereinafter "Kitrell"). Applicants have cancelled claims 1, 3, and 18 and submitted new claim 19 for examination.

Claim 19 is directed to a device for facilitating driving a rollable walker, supported on a surface, over an obstacle. The device has a swing arm connected at an upper end to a chassis frame of the rollable walker and terminating at a lower end to a foot. The arm is urged into a retracted position by engagement with the obstacle while the front wheels are supported on the surface.

Chant and Kitrell do not disclose an arm urged into a retracted position while the front wheels of the rollable walker are supported on a surface. Chant discloses a wheelchair having a strut assembly 2 terminating at a tire 16 and rotating about the axis of sleeve 25. (Figs. 1, 2, and 4; col. 2, lines 33-48). When the tire 16 engages the top edge of a curb (Fig. 4a) while the wheelchair is being driven forward, the strut assembly 2 is urged counterclockwise to a retracted position and the front wheels are lifted. (Figs 4a and 4b; col. 3, lines 9-16).

Kitrell discloses a wheel elevator mechanism having a pair of elevator shoes 32 and 34 pivotably mounted about axis "A" above the axis "B" of wheel 14. (Figs. 1 and 2; col. 3, lines 26-35). When the engaging portions 40 of shoes 32 and 34 engage corner 29 of obstacle 30 and force is applied in the direction of arrow D, the wheel elevating mechanism simultaneously retracts and elevates wheel 12. (Fig. 1, col. 3, lines 66-71). Kitrell also discloses an obstruction engaging member 74 having a single wire loop rotatably mounted about axis 73 on a bearing 72. Member 74 has curved side portions 78 and 80 with leading portions 90 that act in a similar manner as shoes 32 and 34, simultaneously retracting member 74 and raising wheel 68 as leading portions 90 are engaged with an elevated obstruction and force is applied along the direction of the arrow "H". (Figs. 3-5; col. 4, line 69 to col. 5, line 21). Thus, claim 19 is patentable over both Chant and Kitrell.

III. Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 13 and 14 as obvious in light of Chant in view of U.K. Pat. App. No. GB 2,258,196 to Vincent et al. (hereinafter "Vincent"). Applicants have cancelled these claims and added new claims 20-22.

Claim 22 is directed to a device for facilitating driving a rollable walker, supported on a surface, over an obstacle. The device has a track and a trolley supported on the track. The trolley is urged into a retracted position by engagement with the obstacle while the front wheels are supported on the surface.

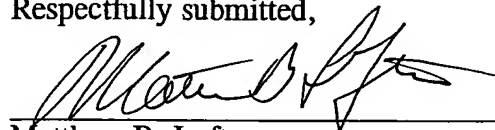
Chant does not disclose or suggest a trolley urged into a retracted position while the front wheels of the rollable walker are supported on a surface. As discussed above, Chant only discloses a strut assembly 2 that raises the front wheels as the strut assembly 2 is urged into a retracted position. Vincent only discloses a wheelchair having a pair of wheel arms 1 each having a set of wheels 2 disposed thereupon. (Fig. 1, page 1, ¶ 11). Arms 1 are retractable by a

user for storage, but are not intended to be retractable by engagement with obstacles. (Fig. 1). In fact, Vincent teaches away from arms 1 retracting by engagement with an obstacle as only discloses using arms 1 to negotiate an obstacle while in an extended position. Nothing in Chant or Vincent discloses or suggests the device of claim 20. Thus, claim 20 is patentable over Chant and Vincent. Claims 21 and 22 are dependent on claim 20 and patentable for at least the same reasons.

IV. Conclusion

Applicant believes that all claims are in condition for allowance and respectfully requests that all claims be allowed.

Respectfully submitted,



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Mailed on June 21, 2005

Strom,7289

Enclosed please find the following in re:
U.S. Patent Appln. Serial No. 10/656,966
DEVICE FOR FACILITATING DRIVING A ROLLABLE
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